

03-09-05

PTO/SB/65 (01-05)

Approved for use through 5/31/2006. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DAS  
(MHS)
**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

**RECEIVED**

MAR 16 2005

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 6,170,281 Application Number 09/261,310  
Issue Date 01-09-2001 Filing Date 03-02-1999

**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above-identified patent:

is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_

resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is  
(1) being deposited with the United States Postal Service on the date shown below with sufficient  
postage as ~~first-class~~ mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450 OR **EXPRESS MAIL, AND**  
(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark  
Office at (703) 872-9306.

03-06-2005

Date

Karl Vernon Lee Barnett

Signature

KARL VERNON LEE BARNETT

Typed or printed name of person signing Certificate

03/15/2005 DMILEN 0000008 6170281

01 FC:2551  
02 FC:1557450.00 OP  
700.00 OP

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>450.00</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of 450.00 AND a check in sum of 700.00

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

Please notify the patentee @ 1-828-255-8314 or fax @ 1-828-253-6937 for any additional fee or surcharge fees.

## 7. OVERPAYMENT

As to any overpayment made please

Credit to Deposit Account No. \_\_\_\_\_

OR

Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Karl Vernon Lee Barnett  
Signature(s) of Petitioner(s)  
KARL VERNON LEE BARNETT  
Typed or printed name(s)  
11 ASCENSION DRIVE, APT K  
Address  
ASHEVILLE, N.C. 28806  
Address

03-06-2005

Date

Registration Number, if applicable

1-828-255-8314

Telephone Number

1-828-279-3281

WORK

1-828-253-4107

1-828-253-6937

FAX

## ENCLOSURES:

- Maintenance Fee payment
- Statement why maintenance fee was not paid timely
- Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- Other:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

Karl Vernon Lee Barnett

Signature

03-06-2005

Date

KARL VERNON LEE BARNETT

Typed or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

I: A Reissue (10-285845) application to replace Patent no. 6,170,281 was filed on Nov.01,2002, with the appropriate fees and all subject matter prosecuted by the patentee, at considerable expense to the patentee who works as an apartment maintenance man. The Reissue application has been successfully prosecuted to the point where the examiner Chen-Wen Jiang has sent the patentee an office action allowing the new claims and he did not find a single fault with the prosecution of said Reissue Application.

II: Chen-Wen Jiang, said examiner allowed all of the new claims and voided the two original claims of said 6,170,281, thereby nullifying the original patent.

III: Chen-Wen Jiang ordered the patentee to surrender the original patent, 6,170,281 back to the Patent Office, which the patentee did immediately!

IV: Webster's dictionary defines the word surrender, as, -the act of giving up or yielding oneself to another or the possession of something to another

V: I surrendered, said 6,170,281 back to the PTO. I believed said 6,170,281 was null and void at that point, due to the fact that I carefully read the Webster's definition of the word surrender. I was unaware of the correct point of law, which states the patentee is still liable for a patent that he has been ordered by an official of the government to surrender. I PREY, that you will forgive my lack of knowledge upon this mistake, BECAUSE!

VI: I have faithfully obeyed each and every ORDER, REQUEST, or SUGGESTION made by any official of the Patent and Trademark Office, since I am a Conservative Republican and I have a deep respect for the law.

VII: I have always acted in a timely manner in response of any and every order, request, or suggestion and I have Paid all fees on time! Reasonable care has always been taken to adhere to the proper prosecution of the said patent 6,170,281, since numerous man hours of labor by the patentee have gone into this effort, and at great cost to a common laborer of low income!

VIII: Please! Do not allow the lack of knowledge within this one mistake to deprive me of my patent. Chen-Wen Jiang sent said Reissue(10-285,845) to Special Examiner Linda Shoal for what he said was a minor review. Ms. Shoals

(Please attach additional sheets if additional space is needed) **NEXT PAGE**

has been vey helpful in enlightening the patentee with a better understanding of the rules governing the maintenance fees. Ms. Shoals has been in possesion of the said reissue application for review, and she stated that several cases still remain ahead of my application file.

IX: This patent 6,170,281 and reissue application 10-285845 are very important to me, therefore I have spent the past week trying to gain the proper knowledge to fulfill this Petition. the following steps have been taken to pay the fees and proper surcharges to the satisfaction of the PTO.

A: The letter of experation was recieved by the Patentee on March 02, 2005

B: The Patentee took a day off of work to travel to the nearest computer that I have access to and get the proper PTO FORMS form your web site.

C: I diligently read over the forms and concluded that any resonable Juror within your position would conclude that this delay in payment of the maintenance fee was due to an unavoidable set of circumstances which were beyond the control of the Patentee, due in part to my lack of knowledge and the great difference between the accepted definition of the word SURRENDER as stated within the Webster's dictionary and the usage made by the PTO rules. This may be the reason why the need to surrender the original patent is no longer a requirement, due to the apparent confussion that this caused, people like myself!

D: I have spent the better part of Sunday March 06, 2005, typing out my response. Although this mistake is very unintentional, I believe that the special circumstances involving my desire to faithfully carry out the direct orders of Examiner Chen-Wen Jiang has lead to this mistake. A mistake which I guarentee YOU will never happen again!

E: Two checks have been written upon this date 03-06-2005 made payable to the Director of the PTO. One check in the amount of 450 dollars, as instucted by a member of the Petitions office for the maintenance fee and a second check in the amount of 700 dollars for the surcharge fee.

F: A copy of this response will be faxed to appropriate fax number as is stated upon the Petition form.

G: This Petition and all accompnnying materials afore mentioned will be placed within an EXPRESS MAIL ENVELOPE, documented by the Express Mail serial number and mailed to the Mail Stop Petition address as required. I believe that the mail date upon the Express Mail Envelope is considered by the PTO as the date of filing, that will be Monday, March 07, 2005!

P.S. Please contact me, Karl Vernon Lee Barnett, at 1-828-255-8314 (home) or at 1-828-279-3281 (cell) or fax me at 1-828-253-6937, if any additional fees or surcharges are required. I will promptly obey any request that you make!

Sincerely, Karl Vernon Lee Barnett

*Karl Vernon Lee Barnett* RECEIVED  
March 06, 2005

MAR 16 2005

OFFICE OF PETITIONS



KARL V LEE BARNETT 3760  
 PAULINE R BARNETT  
 PHONE: (828) 255-8314  
 11 ASCENSION DRIVE APT K  
 ASHEVILLE, NC 28806

Date 03-06-05 66-30/531  
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For Maintenance fee - 3<sup>rd</sup> exp Karl V. Barnett  
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Date 03-06-05 66-30/531  
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For Surcharge fee Karl V. Barnett  
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